IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 1754 OF 2004

Bijalabai Ramesh Sonawane ... Petitioner

Vs.

State of Maharashtra ... Respondent

Mr. Avinash Fatangre for the petitioner.

Mr. S.V.Gajare, APP for State.

CORAM: S.K.SHAH,J.

DATE : 26th April,2006.

P.C.

1. By this petition, the petitioner has challenged the order passed by the Judicial Magistrate, First Class,Satana, dated 20.12.2002 whereby the complaint came to be dismissed for want of prosecution. The order shows that after the case was returned to the Magistrate from the Court of Sessions, the complainant appeared and requested that he wanted to adduce evidence for issuance of process and since then he remained absent. From time to time orders were passed. Ultimately, the Magistrate had issued notice to the complainant and the report has indicated that complainant had absconded as such ultimately observing that the complainant was not interested to prosecute

the complaint and he dismissed the complaint.

2. There is no explanation for the absence of the complainant on various dates. What is produced along the petition is the medical certificate issued by Dr. Sanjay Sawant of Nampur. This certificate is dated 28.,2.2003 and is relevant for the period 1.2.2003 to 28.2.2003 during which the complainant was advised rent. However, the petitioner was required to move in 2002 and the order is dated 20.12.2002. This certificate therefore is of no help to the petitioner.

3. Under the circumstances, I do not find any impropriety or ilegality in the order passed by the Magistrate. Consequently, there is no merit in the Writ Petition. The Writ Petition is, therefore, dismissed.

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(S.K.SHAH,J.)